

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES INVESTOR PROTECTION :
CORPORATION, :

Plaintiff, :

-against- :

BERNARD L. MADOFF INVESTMENT :
SECURITIES LLC, :

Defendant. :

Adv. P. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

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In re: :

BERNARD L. MADOFF, :

Debtor. :

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IRVING H. PICARD, trustee for the liquidation :
of Bernard L. Madoff Investment Securities :
LLC :

Plaintiff, :

-against- :

ROBERT ROMAN, :

Defendant. :

Adv. P. No. 10-04292 (SMB)

**ORDER PERMITTING ADDITIONAL BRIEFING REGARDING THE
TRUSTEE'S MOTION TO COMPEL DISCOVERY**

WHEREAS, the Plaintiff moved for an order compelling discovery of certain materials from the Defendant on June 14, 2017 (the "*Motion*") (ECF Doc. ## 87, 88);

WHEREAS, the Court held a hearing on the *Motion* on June 29, 2017 and mandated that the Defendant provide a privilege log and the underlying documents to the Court for in camera review;

WHEREAS, the Court received *Defendant's Amended Privilege Log* (the "*Amended Privilege Log*"), and corresponding documents on August 16, 2017;

WHEREAS, item "A" on the *Amended Privilege Log* lists an October 28, 2015 letter (the "*Letter*") from the Defendant and his wife to Bernard Madoff;

WHEREAS, the *Letter* enclosed two attachments, (1) an October 8, 2015 email from the Defendant's counsel to her clients (including the Defendant) involved in litigation with the Plaintiff (the "*Chaitman Email*"), and (2) a draft of a declaration of Bernard Madoff, but the *Amended Privilege Log* failed to disclose that the *Letter* to Bernard Madoff (*i.e.* item "A") enclosed a copy of the *Chaitman Email*; it is hereby

ORDERED, that the parties may provide simultaneous supplemental briefs within fourteen (14) days of entry of this Order not to exceed ten (10) pages on the issue of whether the Defendant waived any applicable privilege as to the *Chaitman Email* by enclosing a copy of it in the *Letter* to Madoff.

Dated: New York, New York
August 23, 2017

/s/ STUART M. BERNSTEIN
STUART M. BERNSTEIN
United States Bankruptcy Judge

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